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ALSO ADMITTED IN: DISTRICT OF COLUMBIA

September 17, 2007

MEMO ENDORSED

Hon. Kenneth M. Karas
United States District Judge
United States District Court – SDNY
United States Courthouse
300 Quarropas St., Room 533
White Plains, NY 10601

Re: Millennium Pipeline Company, LLC v. Breakaway Trails, Inc.
Case No.: 07 cv 5815

Dear Judge Karas:

In an electronic message to our offices by the CM/ECF system, the following memorandum to the docket clerk was noted:

MEMORANDUM TO THE DOCKET CLERK: On July 18, 2007 the above parties entered into a Stipulation and Consent Order Granting Motion for a Preliminary Injunction and establishing a Bond for the Breakaway Trials, Inc. Property, which was filed on July 26, 2007, (doc#26). All Motions which have filed are deemed moot. Case marked closed. Submitted By Edmond Modugno - Court Deputy (jma) [Emphasis added.]

The underlying case is a condemnation case that included a motion for preliminary injunction. Accordingly, this letter is simply to confirm that the reference of the case being "marked closed" relates solely to the motion for a preliminary injunction and not to the underlying case for condemnation. As to the latter, the parties have not agreed and the Court has not established a value for said condemnation. While the parties will attempt to reach resolution of that case, a trial in the underlying case may be necessary. Please confirm that the underlying condemnation case remains open. If not, we respectfully request that the case be re-opened for that purpose, alone.

We thank you for your patience in this matter. If you have questions, please contact me

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at (518) 429-4264 and I will gladly set up a telephone conference with parties' counsel.

Very truly yours,

Mark D. Lansing

cc: Neal D. Frishberg, Esq.
J. Humphrey
D. Colosi, Esq.

(counsel is correct. This case should not have been closed; only the preliminary injunction should have been closed. Accordingly, the case is to be re-opened.)

So ordered.

M.D.L.

9/20/07